

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 533

Case No. 84-18F/82-13C

(Brookings Institution - PUD)

July 13, 1987

On May 13, 1985, by Z.C. Order No. 457, the Zoning Commission for the District of Columbia granted approval to the application of the Brookings Institution for second-stage (final) review of a Planned Unit Development (PUD) and related change of zoning from R-5-D to SP-2 for a portion of lot 113 in Square 157 located in the 1700 blocks of P Street and Massachusetts Avenue, N.W. The approved PUD was for a proposed new development that incorporated an existing office building with a new mixed-use office and residential development. Z.C. Order No. 457 is due to expire on June 7, 1987.

Pursuant to subsection 2406.10 of the District of Columbia Municipal Regulations (DCMR) Title 11 - Zoning, the Zoning Commission has the authority to extend the period of validity of a PUD for good cause shown upon proper request of the application before the expiration of the PUD approval.

By letter dated and received on May 7, 1987, counsel for the applicant requested that the Zoning Commission extend the validity of the PUD approval in Z.C. Order No. 457 for two years. The letter states, in part, the following:

"Brookings has not yet been able to apply for a building permit for the project, primarily because of lengthy litigation regarding the legal validity of Order No. 457. A Petition to Review the Commission's order was filed on July 1, 1985. The District of Columbia Court of Appeals finally decided the case on October 20, 1986, upholding the legality of the Zoning Commission's order approving Brookings' PUD. Citizens' Coalition Against the Proposed Brookings Office Building v. D.C. Zoning Commission, 516 A.2d 506 (D.C. 1986),

Brookings' inability to proceed with the project has also been hampered by unfavorable market conditions which have required Brookings to find a new developer for the project. However, Brookings recently entered

into an agreement with Quadrangle Development Corporation which is willing and able to proceed with the development of the project."

At its public meeting on May 11, 1987, the Commission considered and approved the extension. However, by letter dated June 7, 1987, in opposition to the extension, the Residential Action Coalition ("RAC") noted that the Commission had acted without allowing parties to this case the time for response provided for in 11 DCMR 3024.2. By letter dated June 25, 1987, the Zoning Secretariat informed the applicant and all parties that the Commission would allow all parties until July 6, 1987, to respond to the request for extension. No party filed any additional response. Accordingly, at its public meeting on July 13, 1987, the Commission further considered the extension request, in light of the reasons set forth in the June 7, 1987 opposition of RAC. Having done so, the Commission determined to approve the extension, for the reasons set forth below.

The Zoning Commission is mindful of the lengthy litigation that is associated with the proposed development. The Commission also understands the length of time that is needed to locate a new developer.


The Commission believes that an extension of time, as requested by the applicant, is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that no adverse consequences will result from approving the request.

It is therefore ordered that the validity of Zoning Commission Order No. 457 is EXTENDED for a period of two years, until June 7, 1989. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in subsection 11 DCMR 2406.8. Construction shall start within five years of the date of the second-stage PUD approval for Z.C. Order No. 457.

Vote of the Zoning Commission taken at the public meeting on May 11, 1987: 4-0 (Maybelle T. Bennett, Patricia N. Mathews, John G. Parsons, and Lindsley Williams, to extend the validity of Z.C. Order No. 457 - George M. White, not present not voting).

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Vote of the Zoning Commission taken at the public meeting on July 13, 1987: 4-0 (Patricia N. Mathews, Maybelle T. Bennett, John G. Parsons, and Lindsley Williams, to approve the extension, George M. White, not present, not voting.



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LINDSLEY WILLIAMS  
Chairman  
Zoning Commission



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EDWARD L. CURRY  
Acting Executive Director  
Zoning Secretariat

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